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Michael Meiselman
Louise Curatola

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re

SAINT VINCENT'S CATHOLIC MEDICAL
CENTERS OF NEW YORK and ST. VINCENT'S
MEDICAL CENTER OF RICHMOND,

Chapter 11
Case No. 05-14945 (ASH)

(Jointly Administered)

Debtors.

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DESIGNATION OF ITEMS TO BE INCLUDED ON THE RECORD ON APPEAL

1. Motion to file Late Notice of Claim. Previously filed on EM/ECF system. Filed June 19, 2007. Docket # 3265.
2. Omnibus Debtor's Objection to the Motion to Lift Stay in Curatola *et al.*, including an Objection for Failure to Timely file a Proof of Claim. Previously filed on EM/ECF system. Filed July 17, 2007. Docket # 3385
3. Transcript of July 19, 2007 hearing before the Bankruptcy Court. The transcript is not currently available but was ordered on August 3, 2007. It will be filed with the Court as soon as received.
4. Debtor's draft of Court Order denying Curatola's motion to file a late Proof of Claim. This Order was drafted on July 19, 2007 and is attached as Exhibit A hereto.

5. Memorandum of Law in Support of Curatola's of allowing her to file a late Notice of Claim. Previously filed on EM/ECF system. Filed August 27, 2007. Docket # 3493.
6. Memorandum of law in opposition to Curatola's late-filing of Proof of Claim. If this document exists, then it is in the custody and control of the Debtor.
7. Order denying Curatola's motion to be allowed to file a late Proof of Claim. Previously filed on EM/ECF system. Filed August 27, 2007. Docket #3610

QUESTIONS PRESENTED

1. Whether the mode chosen to deliver "notice" in the form of the Bar Date Notice by publication, alone, was reasonable?
2. Whether inadequate "notice" of the Bar Date would constitute "excusable neglect" sufficient to allow the filing of a late Proof of Claim?

Dated: New York, New York
September 5, 2007


MICHAEL L. MEISELMAN (MM-2627)

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July 20, 2007

EXHIBIT A

VIA FEDEX

Ms. Melanie J. Schmid
Law Clerk to the Honorable Adlai S. Hardin, Jr.
Bankruptcy Court for the Southern District of
New York
300 Quarropas Street
Room 530
White Plains, New York 10601-4140

Re: In re Saint Vincents Catholic Medical Centers of New York d/b/a
Saint Vincent Catholic Medical Centers, et al., Chapter 11 Case
No. 05-14945 (ASH); Curatola Orders

Dear Melanie:

Please find enclosed with this letter hardcopies of the orders denying the motions of Louise Curatola for (i) modification of the automatic stay (Docket No. 3339) and (ii) an extension of time to file a proof of claim in the above-referenced cases (Docket No. 3265). Judge Hardin requested that we submit these orders separately from other orders resulting from the July 19, 2007 hearing in the above-referenced cases, as he has allowed Mr. Curatola and his counsel, Michael L. Meiselman, Esq., one week to provide additional support for Mr. Curatola's motion for an extension of time to file a proof of claim.

Please contact me with any questions or concerns.

Very truly yours,

W. Joshua Brant

WB
Enclosures

Kane, Diane

From: Brant, Josh
Sent: Thursday, July 19, 2007 9:32 PM
To: 'Melanie_Schmid@nysb.uscourts.gov'
Subject: RE: SVCMC - Curatola Orders Denying Motions for Relief from Stay
Attachments: (9527847)_(1)_SVCMC - Order Denying Curatola POC Motion.DOC; (9526618)_(1)_SVCMC - Order Denying Curatola Lift_Stay Motion.DOC

Dear Melanie,

The attached orders relate to motions filed on behalf of Louise Curatola seeking relief from stay and authority to file a late proof of claim. Judge Hardin asked that we keep these separated, as he's given Curatola a week to file additional papers with respect to the proof of claim motion.

Please let me know if there's anything else you need from us with respect to these orders (hard copies, etc...).

Best regards,

Josh

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From: Brant, Josh
Sent: Thursday, July 19, 2007 9:06 PM
To: 'Melanie_Schmid@nysb.uscourts.gov'
Subject: SVCMC - Orders Denying Motions for Relief from Stay

Dear Melanie,

Please find attached the following orders, requested by Judge Hardin at today's hearing:

1. Order denying the motion of Audrey Betts for relief from stay
2. Order denying the motion of Mahbubur Rahman for relief from stay
3. Order denying the motion of D'Andre Walker for relief from stay
4. Eleventh Omnibus Order granting relief from stay to certain medical malpractice claimants (which we apparently forgot to hand up at the hearing today).

I will send the Curatola orders under separate email (as the Judge gave Curatola a week to submit additional briefs).

Also, there are two motions on the Court's calendar for tomorrow (7/20): Soo Chull Rhee and Miriam Matos. We contacted counsel's office for both motions and told them we'd be putting them on the July 19 agenda letter as "adjourned" (we'll be resolving these through stipulation).

9/5/2007

Please let me know if you'd like hard copies of any of the attachments.

Best,

Josh

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9/5/2007

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re	:	
	:	Chapter 11
SAINT VINCENTS CATHOLIC MEDICAL	:	Case No. 05-14945 (ASH)
CENTERS OF NEW YORK d/b/a SAINT VINCENT	:	
CATHOLIC MEDICAL CENTERS, <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors.	:	
-----	x	

**ORDER DENYING THE MOTION OF LOUISE CURATOLA
FOR AN EXTENSION OF THE TIME TO FILE A PROOF OF CLAIM**

Upon the motion filed with this Court on June 19, 2007 (the "Motion") of Louise Curatola ("Curatola") for entry of an order pursuant to Rules 3003 and 9006 of the Federal Rules of Bankruptcy Procedure extending the time within which parties may file proofs of claim in order to allow Curatola to file a proof of claim in the chapter 11 cases of Saint Vincents Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers and its affiliated debtors (collectively, the "Debtors"), all as more fully described in the Motion; and upon the objection by the Debtors to the Motion (the "Objection"), filed with this Court on July 17, 2007; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion and the Objection having been given in accordance with the applicable Bankruptcy Rules and Local Bankruptcy Rules of this Court, and it appearing that no other or further notice of the Motion or the Objection need be provided; and after due consideration of the Motion and the Objection, and the statements made on the record in support of and in opposition to the relief requested in the Motion at a hearing held in the Cases before this Court on July 19, 2007 (the "Hearing"), and for

the reasons set forth on the record at the Hearing, which are incorporated herein by reference;
and after considering the post-Hearing submissions of the parties, if any; it is hereby

ORDERED that the Motion is hereby *denied*.

Dated: _____
New York, New York

HONORABLE ADLAI S. HARDIN, JR.
UNITED STATES BANKRUPTCY JUDGE